

Colonel Kirk Gibbs  
District Engineer, Los Angeles District  
U.S. Army Corps of Engineers  
Attention: Kathleen Tucker  
Regulatory Division  
3636 N. Central Avenue, Suite 900  
Phoenix, AZ 85012-1939

Subject: Public Notice (PN) SPL-2003-00826-KAT for Phase 1 Villages at Vigneto, Benson, Cochise County, Arizona

Dear Colonel Gibbs:

Thank you for the opportunity to comment on the subject PN dated October 6, 2017 for the proposed Phase 1 Villages at Vigneto development located in Benson, Cochise County, Arizona. The following comments are prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (40 CFR 230) promulgated under section 404(b)(1) of the Clean Water Act (CWA).

The §404 CWA permit was issued for the project (formerly known as Whetstone Ranch) on June 21, 2006 for a term of 20 years. The applicant at that time proposed to construct an 8,212-acre master planned community that would result in the permanent fill of 51 acres of waters of the United States (waters). In May 2014, El Dorado Benson, LLC purchased 12,399 acres of land that includes the 8,212-acre master-planned development area that has yet to be constructed. As part of the transaction, Whetstone Partners LLP transferred its 2006 §404 CWA permit to EL Dorado Benson, LLC. On July 18, 2016, the City of Benson approved a new master plan; the *Villages at Vigneto Final Community Master Plan and Development (2016 Master Plan)* encompasses 12,399 acres. The Corps is now conducting a permit re-evaluation while consulting with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

## **Ex. 5 - Deliberative Process**

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Attached for your reference are EPA comment letters to the Corps<sup>1</sup>

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Thank you for the opportunity to provide comments on the PN. As additional information

<sup>1</sup> EPA letters to the Corps dated June 14, 2004, July 1, 2004, and May 25, 2006.

becomes available on this proposal, please have your project manager contact Melissa Scianni at (213) 244-1817.

Sincerely,

Samuel G. Ziegler  
Manager, Wetlands Section

Attachments: EPA letters to the Corps dated June 14, 2004, July 1, 2004, and May 25, 2006  
cc: Jason Douglas, U.S. Fish and Wildlife Service, Tucson

DRAFT